

Last revised: August 1, 2017

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Kelley Pease
Anthony E. Pease

Case No.: 17-23040

Judge: _____

Debtor(s)

Chapter 13 Plan and Motions

☐ Original

☒ Modified/Notice Required

Date: _____

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☐ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: SHM

Initial Debtor: KP

Initial Co-Debtor: AEP

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 439.00 per MONTH to the Chapter 13 Trustee, starting on _____ for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
SCOTT H. MARCUS, ESQ.	ATTORNEY FEES	\$2,200.00
IRS	TAXES	\$7,800.00

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:
☒ None
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Fulton Bank	1701 Bluestrem Ave., Williamstown, NJ 08094	42,900.00	260,000.00	Direct Mortgage - 290,600.00	No value	N/A	0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☐ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

g. Secured Claims to be Paid in Full Through the Plan: <input type="checkbox"/> NONE		
Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☒ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
- ☐ Not less than _____ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
Fulton Bank of NJ	1701 Bluestem Ave., Williamstown, NJ 08094 Residence: Single Family two story 3 bedroom home	42,900.00	260,000.00	Direct Mortgage - 290,600.00	-30,600.00	42,900.00

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Priority; unsecured

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 10/6/17.

Explain below **why** the plan is being modified:

Recalculation of income available

Explain below **how** the plan is being modified:

Debtors' Plan payments increased

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date: January 8, 2018

/s/ Scott H. Marcus, Esquire
Attorney for the Debtor

Date: January 8, 2018

/s/ Kelley Pease
Debtor

Date: January 8, 2018

/s/ Anthony E. Pease
Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date: January 8, 2018

/s/ Scott H. Marcus, Esquire
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: January 8, 2018

/s/ Kelley Pease
Debtor

Date: January 8, 2018

/s/ Anthony E. Pease
Joint Debtor

Certificate of Notice Page 11 of 12
 United States Bankruptcy Court
 District of New Jersey

In re:
 Kelley Pease
 Anthony E Pease
 Debtors

Case No. 17-23040-ABA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 38

Date Rcvd: Jan 09, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 11, 2018.

db/jdb +Kelley Pease, Anthony E Pease, 1701 Bluestem Ave, Williamstown, NJ 08094-3393
 517211506 +ACAR Leasing Ltd, d/b/a GM Financial Leasing, PO Box 183853, Arlington, TX 76096-3853
 516904288 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034
 (address filed with court: Citibank, PO Box 183071, Columbus, OH 43218)
 516904285 +Capital One, PO Box 71083, Charlotte, NC 28272-1083
 517148248 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 516904287 +Citi Cards, PO Box 790345, St. Louis, MO 63179-0345
 516904290 +Division of Pensions and Benefits, PO Box 295, Trenton, NJ 08625-0295
 516904292 +GM Card, PO Box 71107, Charlotte, NC 28272-1107
 516904293 +GM Financial, 75 Remittance Dr Suite 1738, Chicago, IL 60675-1738
 516904294 +GM Financial, 75 Remittance way, Chicago, IL 60675-1001
 516904295 +Home Depot, PO BOX 790328, St Louis, MO 63179-0328
 516904296 +Home Depot, PO Box 9001019, Louisville, KY 40290-1019
 516904299 +JP Chase, PO Box 80084, Salinas, CA 93912-0084
 516904303 MBNA MC, PO Box 53132, Phoenix, AZ 85072-3132
 516904302 +Macy's, PO Box 78008, Phoenix, AZ 85062-8008
 516904304 +Merrill Lynch, 4802 Deer Lake Dr East, Jacksonville, FL 32246-6484
 516904308 +Sears MC, PO Box 78051, Phoenix, AZ 85062-8051
 517149231 +TD Bank NA, Richard J Tracy, III Esq, 30 Montgomery Street, Suite 1205,
 Jersey City, NJ 07302-3835
 517130080 +TD Bank, NA, Payment Processing, PO Box 16029, Lewiston, ME 04243-9507
 516904309 +TD Visa, PO Box 16027, Lewiston, ME 04243-9513
 517142808 Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438
 516904310 +Wells Fargo Financial, PO Box 660553, Dallas, TX 75266-0553

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Jan 09 2018 23:11:47 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jan 09 2018 23:11:45 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516904283 E-mail/Text: ally@ebn.phinsolutions.com Jan 09 2018 23:10:58 Ally Financial,
 Payment Processing Center, PO Box 78369, Phoenix, AZ 85062-8369
 516904284 +E-mail/PDF: gecsedirecoverycorp.com Jan 09 2018 23:09:49 Amazon / Synchrony,
 PO BOX 965013, Orlando, FL 32896-5013
 517155181 E-mail/Text: bankruptcy.bnc@ditech.com Jan 09 2018 23:11:30
 Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154,
 Rapid City, South Dakota 57709-6154
 516904289 E-mail/Text: bankruptcy.bnc@ditech.com Jan 09 2018 23:11:30 Ditect Mortgage, PO Box 94710,
 Palatine, IL 60094-4710
 516904291 +E-mail/Text: bankruptcy@fult.com Jan 09 2018 23:13:07 Fulton Bank of NJ, One Penn Square,
 Lancaster, PA 17602-2853
 516904297 E-mail/Text: cio.bncmail@irs.gov Jan 09 2018 23:11:24 IRS, Department of Treasury, IRS,
 Cincinnati, OH 45999-0025
 516904298 +E-mail/PDF: gecsedirecoverycorp.com Jan 09 2018 23:10:12 JC Penny visa, PO Box 96009,
 Orlando, FL 32896-0001
 516904300 +E-mail/Text: bnckohlsnotices@becket-lee.com Jan 09 2018 23:11:10 Kohls, PO Box 3084,
 Milwaukee, WI 53201-3084
 516904301 +E-mail/PDF: gecsedirecoverycorp.com Jan 09 2018 23:10:12 Lowes, PO Box 530914,
 Atlanta, GA 30353-0914
 516904305 +E-mail/PDF: gecsedirecoverycorp.com Jan 09 2018 23:09:28 Old Navy Visa, PO Box 960017,
 Orlando, FL 32896-0017
 516904306 +E-mail/PDF: gecsedirecoverycorp.com Jan 09 2018 23:09:28 Sams Club, PO Box 530942,
 Atlanta, GA 30353-0942
 516904307 +E-mail/PDF: gecsedirecoverycorp.com Jan 09 2018 23:09:28 Sams Club Credit, PO Box 530942,
 Atlanta, GA 30353-0942
 516908600 +E-mail/PDF: gecsedirecoverycorp.com Jan 09 2018 23:09:29 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 517193735 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jan 09 2018 23:23:22 Verizon,
 by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
 TOTAL: 16

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516904286* +Capital One, PO Box 71083, Charlotte, NC 28272-1083
 517128600* Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346

TOTALS: 0, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 38

Date Rcvd: Jan 09, 2018

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 11, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 8, 2018 at the address(es) listed below:

Brian Thomas on behalf of Trustee Brian Thomas brian@brianthomaslaw.com,
bthomas@ecf.epiqsystems.com
Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Jane L. McDonald on behalf of Trustee Isabel C. Balboa ecf@standingtrustee.com
Lauren Bielskie on behalf of U.S. Trustee U.S. Trustee lauren.bielskie@usdoj.gov
R. A. Lebron on behalf of Creditor FULTON BANK OF NEW JERSEY bankruptcy@feinsuch.com
Rebecca Ann Solarz on behalf of Creditor Ditech Financial LLC rsolarz@kmlawgroup.com
Scott H. Marcus on behalf of Debtor Kelley Pease smarcus@marcuslaw.net,
scottmarcusecf@gmail.com,plaws@marcuslaw.net,ddemeeo@marcuslaw.net
Scott H. Marcus on behalf of Joint Debtor Anthony E Pease smarcus@marcuslaw.net,
scottmarcusecf@gmail.com,plaws@marcuslaw.net,ddemeeo@marcuslaw.net
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10